

**6461. Misbranding of Tubbs' Billious Man's Friend. U. S. \* \* \* v. Tubbs Medicine Co. Plea of guilty. Fine, \$100. (F. & D. No. 8717. I. S. No. 11074-m.)**

On March 30, 1918, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tubbs Medicine Co., a corporation, River Falls, Wis., alleging shipment by said company, in violation of the Food and Drugs Act, on or about August 21, 1916, from the State of Wisconsin into the State of Minnesota, of a quantity of an article labeled in part, "Tubbs' Billious Man's Friend," which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the sample was a hydroalcoholic solution of sugar and plant extractives (rhubarb), with a very small amount of aromatics and 13.2 per cent of alcohol by volume.

It was alleged in substance in the information that the article was misbranded for the reason that certain statements appearing on the labels of the carton and bottle falsely and fraudulently reported it as a remedy for liver and kidney troubles, rheumatism, backache, indigestion, sick headaches, colds with feverish conditions, nervous disorders, scurvy, worms, piles, malaria; as a preventive of appendicitis and rheumatism; as a remedy for overheated conditions from overwork or sun exposure, when, in truth and in fact, it was not. Misbranding of the article was alleged for the further reason that the statement, to wit, "Contains, alcohol 20%," borne on the labels regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 20 per cent of alcohol, whereas, in truth and in fact, it did not, but contained a less amount, to wit, 13.2 per cent of alcohol; and for the further reason that it contained alcohol, and the label failed to bear a statement of the quantity or proportion of alcohol contained therein.

On July 23, 1918, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$100, which was paid.

*J. R. Riggs, Acting Secretary of Agriculture.*